

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii

April 21, 2011

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

OAHU

Approval in Concept for Removal of Tax Map Key (1) 4-2-010:004 from Waimanalo Forest Reserve, Kailua, Koolaupoko, Oahu; (1) 5-9-005:002 and (1) 5-9-005:077, from Pupukea Forest Reserve, Pupukea and Paumalu, Koolauloa, Oahu; and (1) 2-5-019:006, from Round Top Forest Reserve, Honolulu, Oahu.

Approval in Concept Setting Aside Tax Map Key (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010:portions of 009, (1) 3-4-022:portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026, to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Addition to the Honolulu Watershed Forest Reserve Purposes, Nuuanu, Pauoa, Manoa, Palolo, and Wailupe, Honolulu, Oahu.

Approval in Concept Setting Aside Tax Map Key (1) 4-1-010:094 to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Addition to Waimanalo Forest Reserve Purposes, Waimanalo, Koolaupoko, Oahu.

Approval in Concept for Re-designation of Tax Map Key (1) 6-8-003:041, from Mokuleia Forest Reserve Road Right of Way to Addition to Mokuleia Forest Reserve, Mokuleia 2, Aukuu and Kikahi, Waialua, Oahu.

Approval in Concept Setting Aside Tax Map Key (1) 8-8-001:010, to the Department of Land and Natural Resources, Division of Forestry and Wildlife to re-establish Lualualei Forest Reserve, Waianae, Waianae, Oahu.

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW)

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION & AREA:

See **Exhibit A1**.

ZONING & TRUST LAND STATUS:

See **Exhibit A1**.

CURRENT USE STATUS:

See **Exhibit A1**.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended. A copy of the exemption notification is attached as **Exhibit A2**.

BACKGROUND:

The following items represent proposed changes to land areas comprising public Forest Reserve System lands on the Island of Oahu. Some items represent housekeeping efforts to complete previously initiated processes while others are needed to correct past actions or oversights. DOFAW concurs to the findings and recommendations in this submittal. Upon approval of subject request, Land Division will work with DOFAW on the documents and maps to consummate the request.

**Round Top Forest Reserve**

Background: The land area comprising TMK (1) 2-5-019:006 (approximately 0.59 acres, see **Exhibit B**), was included in Governor's Proclamation dated August 10, 1916 that established Round Top Forest Reserve. On April 20, 1934, under Executive Order 615, this parcel was re-set aside as a reservoir site to be under management and control of the Board of Water Supply (BWS). Despite this set-aside, the parcel was never removed from the Round Top Forest Reserve.

Discussion: Documentation of the removal of the land area for parcel 006 from Round Top Forest Reserve is missing from forest reserve records and is assumed incomplete. As TMK (1) 2-5-019:006 was set aside to the BWS and is still under its active management, the Division seeks to complete the removal of parcel 006 from Round Top Forest Reserve records. This request is not intended to affect EO 615 to BWS, which indicated no comments to the subject request.

### **Honolulu Watershed Forest Reserve**

Background: Honolulu Watershed Forest Reserve was established by Governor's Proclamation on October 13, 1913 and was enlarged substantially when its boundary was modified by Governor's Proclamation dated December 26, 1926. In 1913, Honolulu Watershed Forest Reserve included mauka lands in Palolo, Manoa, Makiki, Nuuanu, and Kalihi. By 1926, the reserve expanded westwards across to Halawa and east to Kuliouou. These areas, being in close proximity to Honolulu, already contained a number of residential areas; hence, much private land was included within the boundary of Honolulu Watershed Forest Reserve. Over the years, the Territorial and State governments acquired several parcels of private land within the Reserve (**Exhibit C**), often as exchanges with landowners who had steep lands that were unsuitable for development but suitable for watershed purposes. DOFAW, in cooperation with the Land Division, has discovered several such parcels that have not been formally added to the Forest Reserve System as public lands.

Discussion: The parcels that were acquired by the State as described above include: TMKs (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010:portions of 009, (1) 3-4-022: portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026, comprising approximately 1,413.925 total acres and located within Honolulu Watershed Forest Reserve are not currently afforded the protection provided by the statutes and rules of the Forest Reserve System. The Division requests the amendment of the two associated Governor's Proclamations in order to include these parcels as public lands within Honolulu Watershed Forest Reserve, following the intent of the original forest reserve designations as important watershed areas by the Territorial Government.

(1) 3-6-004:026 is presently encumbered by Revocable Permit No. 7560 to Mount Wilson FM Broadcasters, Inc. to operate and maintain an FM radio transmission facility. Upon the completion of the Governors' Executive Order process as recommended under this request, RP 7560 will be transferred to DOFAW for management.

### **Waimanalo Forest Reserve**

(1) 4-1-010:094

Background: (1) 4-1-010:094 used to be a portion of (1) 4-1-010:074 until Revocable Permit No. 6661 was issued for outdoor training purposes in 1989. Since the permit cancelled on November 30, 1997, there was no other disposition over Parcel 94 (**Exhibit D**).

Discussion: On March 13, 2009, item D-5, the Board approved in principle setting aside (1) 4-1-010:074, together with other parcels in the vicinity as an addition to the Waimanalo Forest Reserve. However, Parcel 94 was inadvertently omitted from the March 2009 Board action. For housekeeping purposes, the Division requests the Board authorize the addition of Parcel 94 to the Waimanalo Forest Reserve .

(1) 4-2-010:004

Background: The land area (approximately 80.35 acres) comprising TMK (1) 4-2-010:004 ("parcel 004") was private land included within Waimanalo Forest Reserve by Governor's

Proclamation dated January 3, 1923 (**Exhibit D**). This parcel was acquired by the State of Hawaii by Final Order of Condemnation, Civil No. 86-3057, dated August 24, 1990. A lease to the Hawaii Sugar Planters Association (HSPA) accompanied the condemnation action; the Hawaii Agricultural Research Center (previously HSPA) occupies the parcel to this day. The parcel was subsequently set aside to the State Department of Agriculture (DOA) for an agricultural research facility and agricultural-related purposes by Governor's Executive Order 3726 dated February 4, 1998. DOA assumed the role of lessor.

Discussion: Corresponding documentation for the removal of parcel 004 from Waimanalo Forest Reserve has not been found in forest reserve records maintained by DOFAW. As TMK (1) 4-2-010:004 was set aside to DOA and is still under its active management, the Division seeks to modify the forest reserve record to show the removal of parcel 004 from Waimanalo Forest Reserve, as there is no intent for DOA to maintain parcel 004 as forest reserve lands. This request is not intended to affect EO 3726 to DOA which supports the subject request.

### **Pupukea Forest Reserve**

Background: Pupukea Forest Reserve was established on May 10, 1910, consisting of a larger tract (approximately 790 acres) and three smaller, separate Water Reserves, designated as A, B and C (totaling approximately 94 acres). The Boy Scouts of America (BSA) have a long history of land use in this forest reserve. On March 19, 1946, BSA were issued a Use Permit and a Revocable Permit for use of Water Reserve C. The use permit was to terminate on December 31, 1956. The BSA continued to use Pupukea Forest Reserve under an extended permit until 1964, at which time they requested a long-term lease. On March 11, 1966, the Department issued the BSA general lease no. S-3951 for a duration of 55 years. No official records were found detailing a land transfer from the Division of Forestry and Wildlife (DOFAW) to the Land Division to facilitate issuance of this long-term lease.

In 2004, two of the three land parcels comprising Water Reserve C - TMKs (1) 5-9-005:002 (approximately 56.962 acres) and (1) 5-9-005:077 (approximately 7.838 acres) - **Exhibit E** - were the subject of a land exchange between the Department and the BSA involving private lands in Waikele, Oahu, for public lands located on the islands of Oahu, Kauai, and Hawaii. After review and approval by the Department of the Attorney General, the land exchange was executed by the Governor and all appropriate parties, and recorded in the Bureau of Conveyances on April 8, 2004.

Discussion: Staff was unable to find corresponding documentation in forest reserve records indicating that the land area for the two parcels was removed from Pupukea Forest Reserve. As title for TMKs (1) 5-9-005:002 and 5-9-005:077 has already been transferred to BSA, the Division seeks to modify Pupukea Forest Reserve records as continuance of the two parcels as forest reserve lands should only have occurred by surrender of the lands by BSA to the Department after their private acquisition by the BSA. The BSA has no objections to this removal of lands from Pupukea Forest Reserve.

**Mokuleia Forest Reserve**

Background: Governor's Executive Order 3780, dated August 23, 1999, set aside TMK (1) 6-8-003:041 (approximately 25.007 acres) to DOFAW as the Mokuleia Forest Reserve Road Right Of Way (**Exhibit F**).

Discussion: Although TMK (1) 6-8-003:041 was transferred to DOFAW, the Division does not have a land designation for right of ways, and therefore has no specific statutes and rules governing such an area. The Division is requesting re-designation of the parcel as an addition to Mokuleia Forest Reserve in order to afford the forest reserve access road the protections provided by statutes and rules of the Forest Reserve System (chapter 183, HRS; chapter 104, HAR, respectively).

**Lualualei Forest Reserve**

Background: Lualualei Forest Reserve was created by Governor's Proclamation dated November 30, 1906, consisting of approximately 3,743 acres. By Governor's Proclamation dated March 2, 1923, 31.05 acres were removed from the Reserve. Governor's Proclamation dated February 3, 1930, removed all remaining lands from the Reserve and placed them under the jurisdiction of the Land Division. Lualualei Forest Reserve effectively ceased to exist by the combined actions of these Governor's Proclamations. Recently, DOFAW and the Land Division have concurred that the best management designation for a portion of this area would be as a forest reserve for watershed and other purposes.

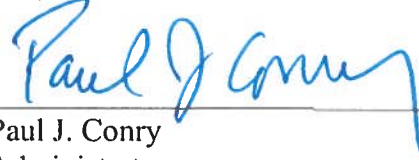
Discussion: The state-owned parcel TMK (1) 8-8-001:010, originally a part of Lualualei Forest Reserve and comprising approximately 695 acres, at Lualualei, Waianae, Oahu (**Exhibit G**), is not currently afforded the protection provided by the rules and statutes of the Forest Reserve System. The Division requests that the Board approve in concept the addition of these lands to the Forest Reserve System as the re-established Lualualei Forest Reserve. These lands will be managed primarily for watershed purposes, animal control efforts and threatened and endangered species.

Should the Board approve the following recommendations, staff will conduct a public hearing regarding the subject changes to the Forest Reserve System, and subsequently return to the Board with a hearing report and final recommendations for prospective additions and removals. Any such items subsequently approved by the Board shall be processed as Executive Orders, through the Department of the Attorney General, for consideration by the Governor.

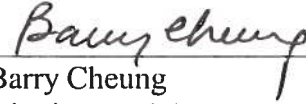
RECOMMENDATIONS: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve in concept the removal of the following tax map key parcels from the State Forest Reserve System:
  - a. (1) 4-2-010:004, comprising approximately 80.35 acres, from Waimanalo Forest Reserve, Kailua, Koolauloko District, Oahu.
  - b. (1) 5-9-005:002, and (1) 5-9-005:077 comprising a total of approximately 64.8 acres, from Pupukea Forest Reserve, Pupukea and Paumalu, Koolauloa District, Oahu.
  - c. (1) 2-5-019:006, comprising approximately 0.59 acres, from Round Top Forest Reserve, Makiki, Honolulu, Oahu.
3. Approve in concept the set-aside of tax map key parcels (1) 2-2-047:001, (1) 2-5-011:007, (1) 2-9-051:001, (1) 2-9-055:014, (1) 3-4-010:portions of 009, (1) 3-4-022:portions of 001, (1) 3-6-004:004, and (1) 3-6-004:026, comprising approximately 1,413.925 acres, to the Department of Land and Natural Resources, Division of Forestry and Wildlife for addition to the Honolulu Watershed Forest Reserve purposes, Nuuanu, Pauoa, Manoa, Palolo, and Wailupe, Honolulu, Oahu.
4. Approve in concept the set-aside of tax map key parcel (1) 4-1-010:094, comprising approximately 2.5 acres, to the Department of Land and Natural Resources, Division of Forestry and Wildlife for addition to the Waimanalo Forest Reserve purposes, Waimanalo, Koolauloko District, Oahu.
5. Approve in concept the re-designation of tax map key parcel (1) 6-8-003:041, comprising approximately 25.007 acres, from Mokuleia Forest Reserve Road Right of Way to an addition to Mokuleia Forest Reserve, Mokuleia 2, Aukuu and Kikahi, Waianae, Oahu.
6. Approve in concept the set aside of tax map key (1) 8-8-001:010, comprising approximately 695 acres, for Lualualei Forest Reserve purposes, Waianae, Waianae, Oahu.
7. Pursuant to HRS Section 183-11, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Oahu regarding the proposed additions to and withdrawals from the State Forest Reserve System on the Island of Oahu, and further, pursuant to 183-12, authorize the Chairperson to:
  - a. Set the date, location and time of the public hearing; and
  - b. Appoint a hearing master(s) for the public hearing.

Respectfully Submitted,

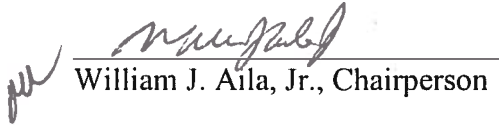


Paul J. Conry  
Administrator  
Division of Forestry and Wildlife



Barry Cheung  
District Land Agent  
Land Division

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

Tax Map Key	Location	Area (Ac), more or less	State Land Use	LUO	Trust Land Status
<b>Round Top Forest Reserve</b>					
2-5-19:06	Honolulu	0.590	Conservation	P-1	5(b)
<b>Honolulu Watershed Forest Reserve</b>					
2-2-47:01	Honolulu	76.984	Conservation	P-1	5(a)
2-5-11:07	Honolulu	2.580	Conservation	P-1	5(b)
2-9-51:01	Honolulu	24.870	Conservation	P-1	5(a)
2-9-55:14	Honolulu	5.119	Conservation	P-1	Acquired after 59
3-4-10:09 por	Honolulu	101.472	Conservation	P-1	5(a)
3-4-22:01 por	Honolulu	202.900	Conservation	P-1	5(b)
3-6-04:04	Honolulu	999.921	Conservation	P-1	5(b)
3-6-04:26	Honolulu	0.079	Conservation	P-1	5(b)
<b>Waimanalo Forest Reserve</b>					
4-1-10:94	Waimanalo	2.500	Agricultural	AG-2	5(b)
4-2-10:04	Waimanalo	80.350	Agricultural	P-1	Acquired after 59
<b>Pupukea Forest Reserve</b>					
5-9-05:02	Pupukea	56.962	Conservation	P-1	Private land
5-9-05:77	Pupukea	7.838	Conservation	P-1	Private land
<b>Mokuleia Forest Reserve</b>					
6-8-03:41	Mokuleia	25.007	Agriculture	AG-1 & 2	5(b)
<b>Lualualei Forest Reserve</b>					
8-8-01:10	Lualualei	696.000	Urban	P-1	PL-88-233

# EXHIBIT A1



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 21, 2011

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KARUOLAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**EXEMPTION NOTIFICATION**

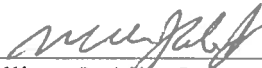
regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Approval in Concept for Removal, Setting Aside, and Re-Designation State Lands for Forest Reserve Purposes
Project / Reference No.:	Not applicable
Project Location:	Forest Reserves in Honolulu, Round Top, Waimanalo, Pupukea, Mokuleia, and Lualualei, on Oahu; Various Tax Map Keys.
Project Description:	To approve the concept of removing and re-designating forest reserve status for State lands, and setting aside State lands for forest reserve purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	<p>In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing"</p> <p>This request is just a transfer of management jurisdiction of State lands between the Division of Forestry and Wildlife (DOFAW) and Land Division. DOFAW does not anticipate changes to the use of the subject lands from the current forestry uses. As such staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Consulted Parties	Division of Forestry and Wildlife

EXHIBIT A2

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
William J. Alfa, Jr  
Chairperson

  
\_\_\_\_\_  
Date

Exhibit B: Proposed removal from Round Top Forest Reserve

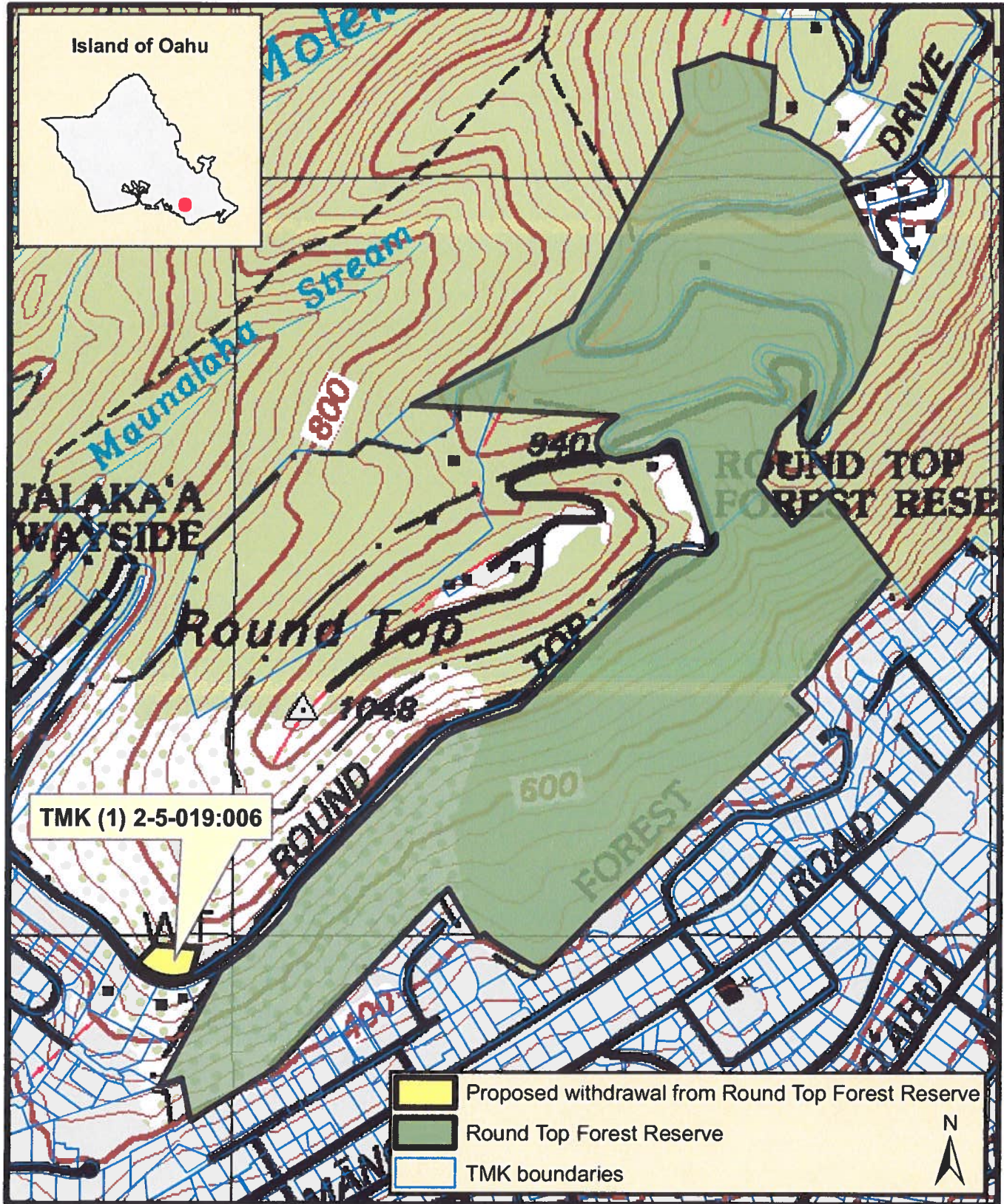
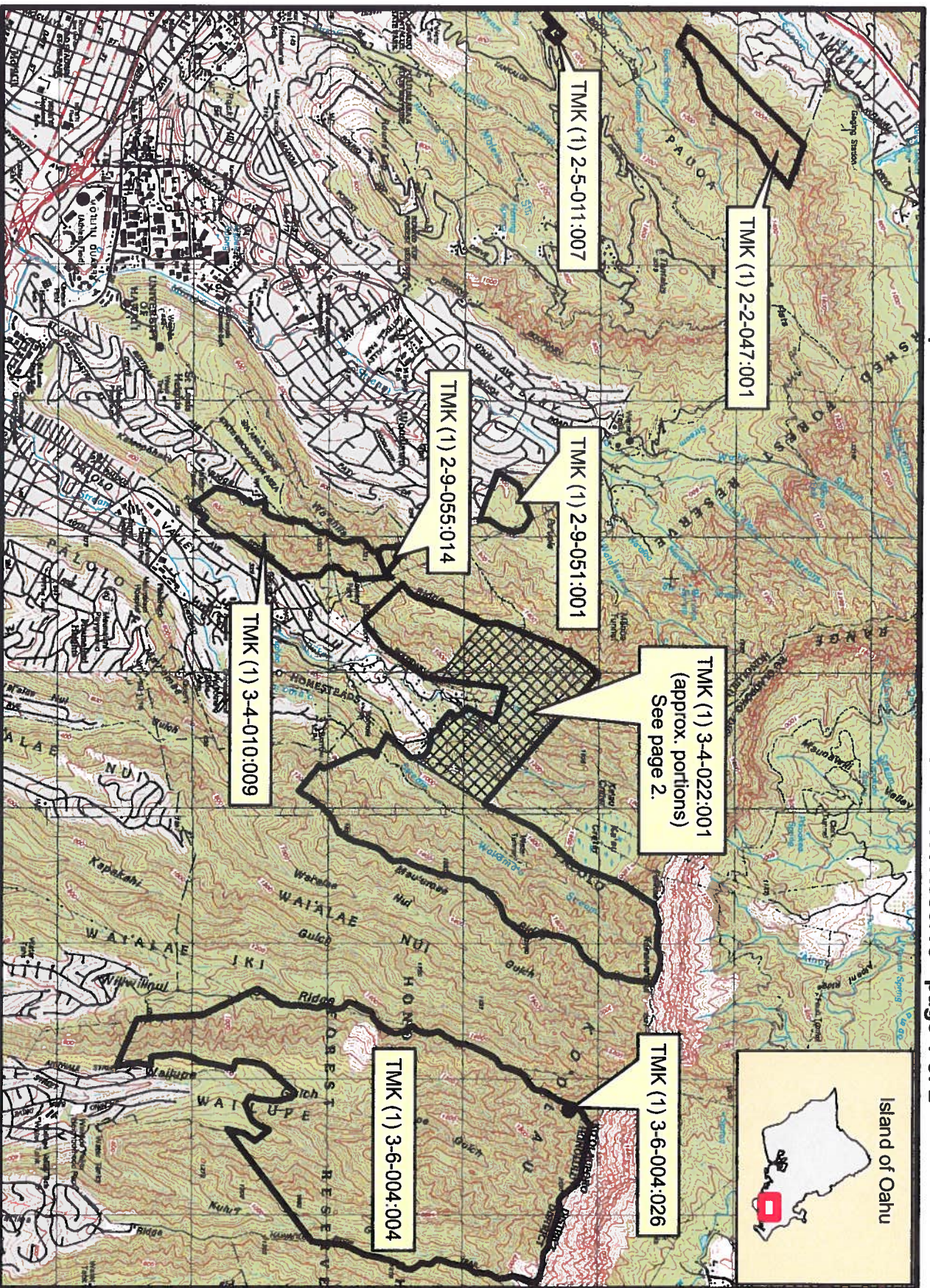




Exhibit C - Proposed additions to Honolulu Watershed Forest Reserve - page 1 of 2





CONFIDENTIAL  
DATE: 10-1-80  
BY: J. A. Felt  
RE: 100-100000  
100-100000  
100-100000

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Exhibit D - Proposed Changes to Waimanalo Forest Reserve

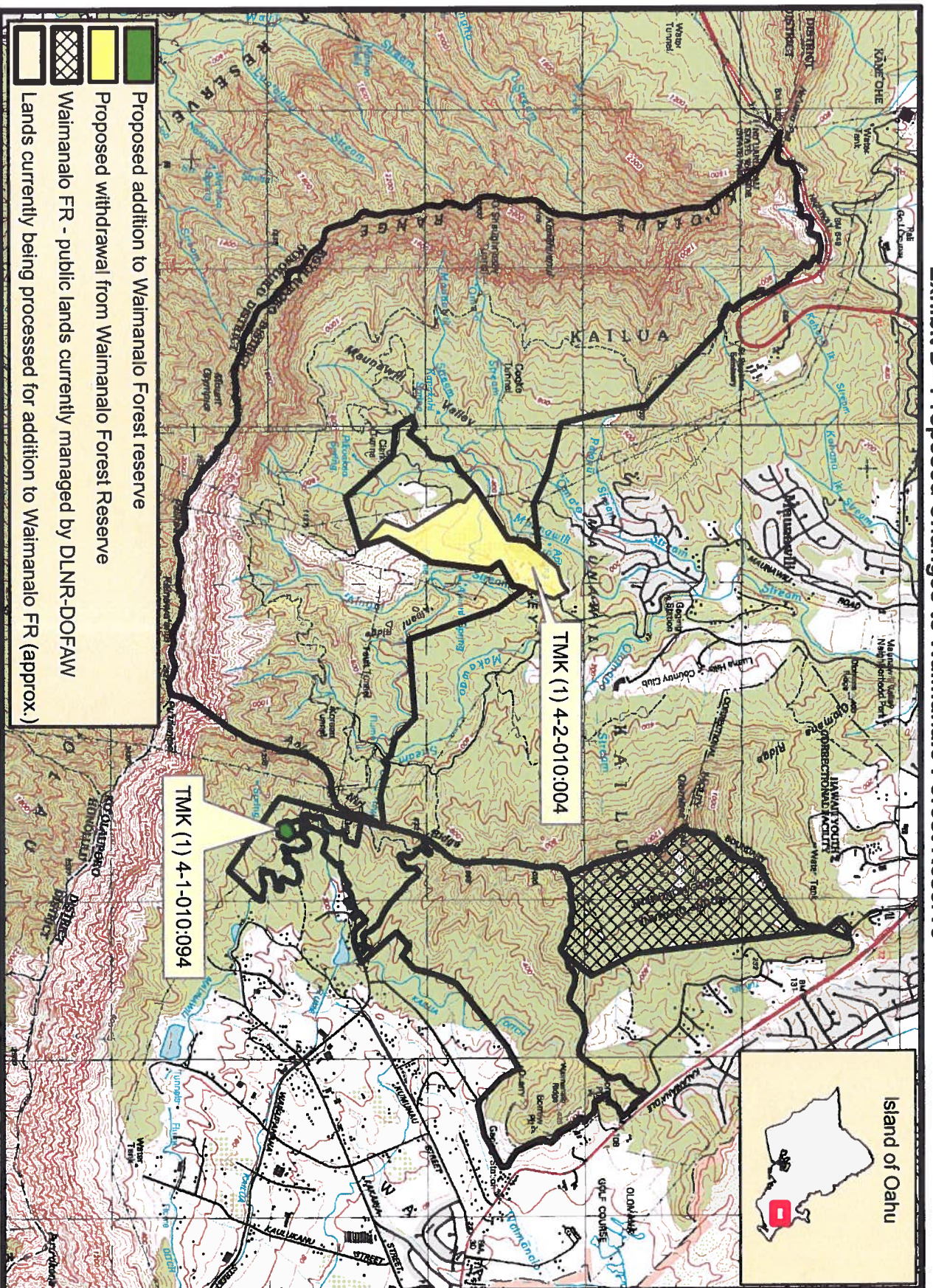
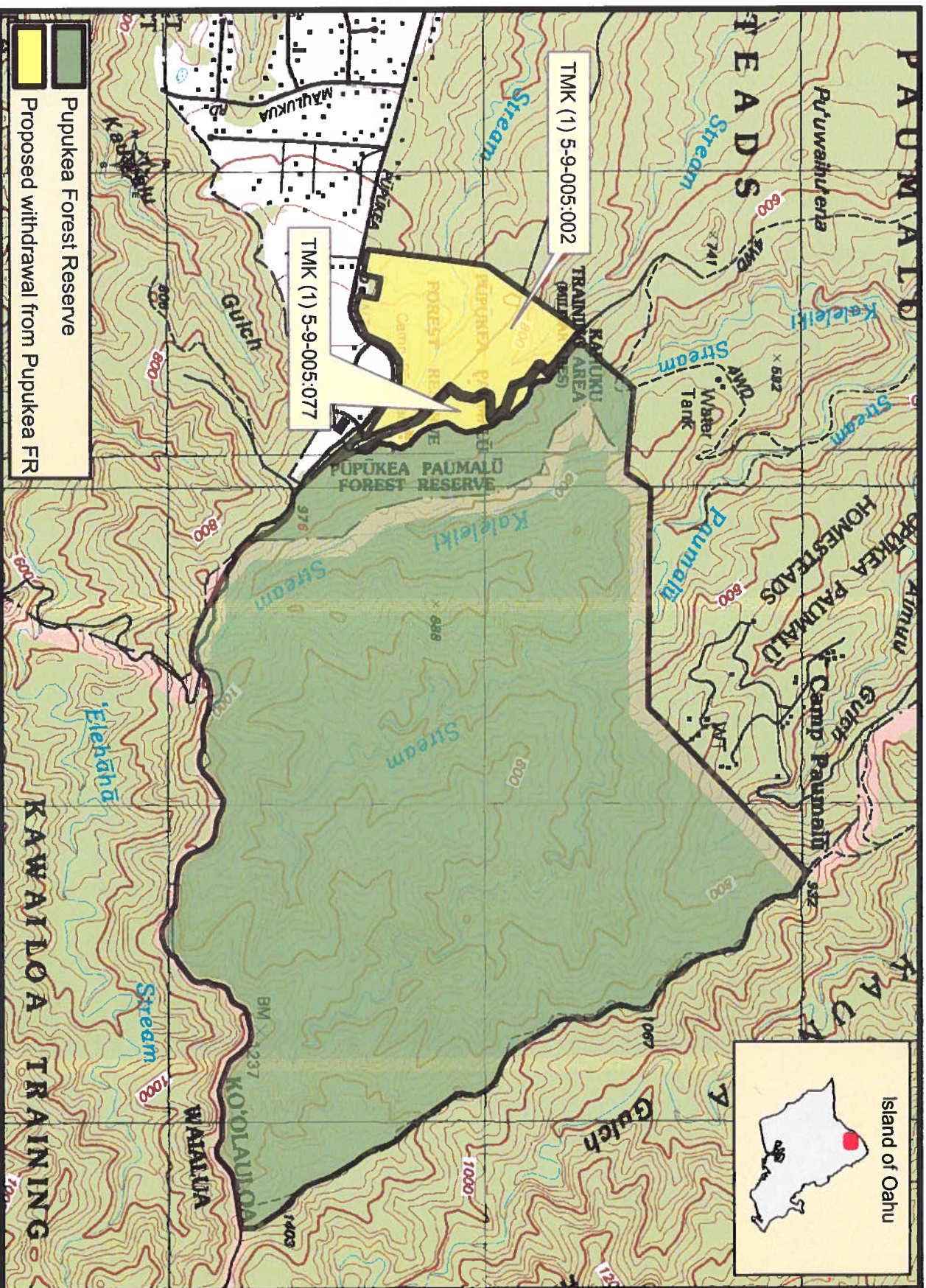




Exhibit E - Proposed withdrawal from Pupukea Forest Reserve





## Exhibit F - Proposed addition to Mokuleia Forest Reserve

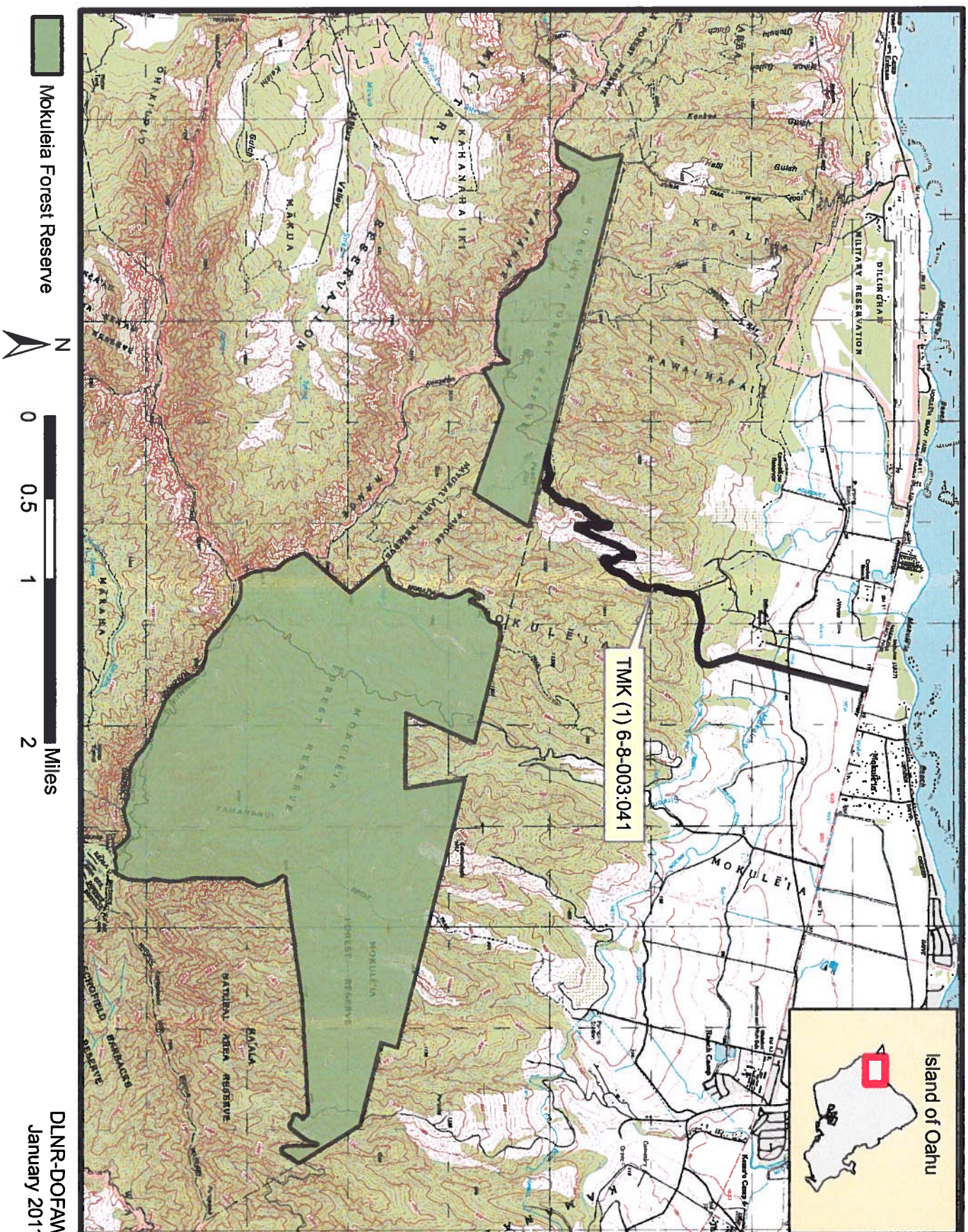
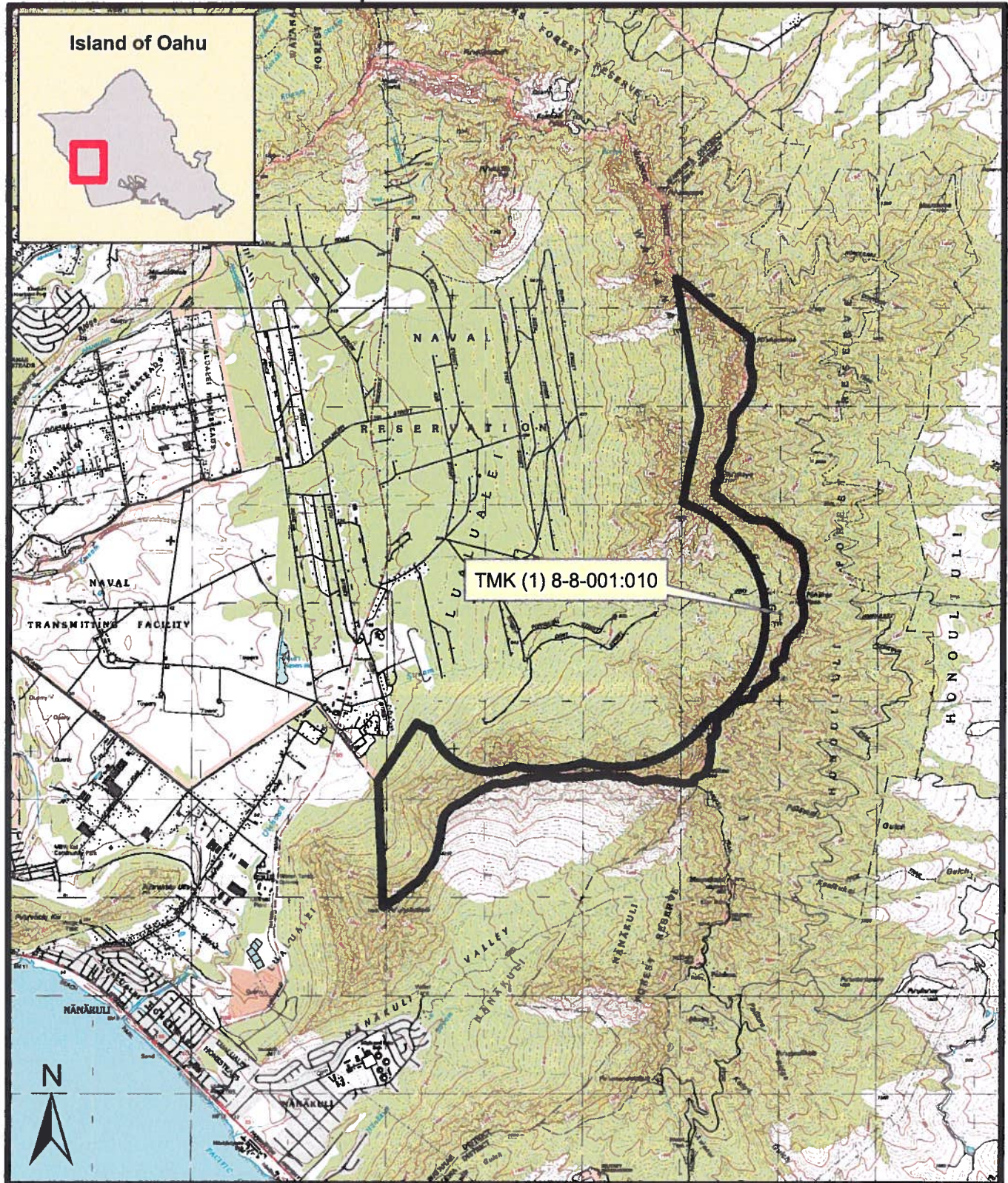




Exhibit G: Proposed addition to Lualualei Forest Reserve



0 0.5 1 2 Miles

DLNR-DOFAW  
September 2010